

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

SHANE PROVOST, Petitioner, vs. DARIN YOUNG, THE ATTORNEY GENERAL OF THE STATE OF SOUTH DAKOTA, Respondents.	4:18-CV-04058-LLP ORDER DENYING CERTIFICATE OF APPEALABILITY
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Petitioner, Shane Provost, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. Docket 1. The case was assigned to United States Magistrate Judge Veronica L. Duffy who recommended that Provost's petition be dismissed. Docket 3. This court adopted the report and recommendation, dismissed the petition, and declined to issue a certificate of appealability. Docket 8.

Provost now moves for a certificate of appealability to pursue his appeal in the United States Court of Appeals for the Eighth Circuit. Docket 17. Under 28 U.S.C. § 2253(c)(2), a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." *See also Tiedeman v. Benson*, 122 F.3d 518, 521 (8th Cir. 1997). "A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings." *Bell v. Norris*, 586 F.3d 624, 632 n.3 (8th Cir. 2009). Provost provides no new information or argument in his motion. Docket 17. The court again finds that Provost has not made a substantial showing that his claims

here are debatable among reasonable jurists, that another court could resolve the issue raised in his claims differently, or that a question raised by his claims deserves further proceedings. Accordingly,

IT IS ORDERED that a certificate of appealability shall not issue.

DATED this 18th day of July, 2018.

BY THE COURT:


ATTEST:

MATTHEW W. THELEN, CLERK

BY: 

(SEAL)

DEPUTY



LAWRENECE L. PIERSOL
United States District Judge